

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed June 29, 2006 ("Office Action"). At the time of the Office Action, Claims 1-3, 5-16, and 18-21 were pending in the application. The Examiner has allowed Claims 1-3, 5-7, 20, and 21. In addition, the Examiner has rejected Claims 8-12 and objected to Claims 13-16, 18, and 19. To advance prosecution of this case, Applicant amends Claims 8, 9, 13, 16, and 21. In addition, Applicant cancels Claims 10-12 and adds new Claims 22 and 23. Applicant does not admit that any amendments are necessary due to any prior art or any of the Examiner's rejections. Applicant respectfully requests reconsideration and allowance of Claims 8, 9, 13-16, 18, 19, and 21-23.

Claims 1-3, 5-7, 20, and 21

The Office Action indicates that Claims 1-3, 5-7, 20, and 21 are allowed. Applicant thanks the Examiner for considering and allowing these claims.

Claims 8 and 9

The Examiner rejects Claims 8 and 9 under 35 U.S.C. § 101 as being directed to both an apparatus and a method step for using the apparatus. Similarly, the Examiner rejects Claims 8 and 9 under 35 U.S.C. § 112 as being directed towards more than one statutory class of invention. Finally, the Examiner rejects Claims 8 and 9 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,826,013 issued to Nachenberg ("*Nachenberg*").

Applicant has amended Claims 8 and 9 to delete the reference to a "method." In addition, Applicant has amended Claims 8 and 9 to be directed to "[l]ogic for detecting a computer virus, the logic encoded in computer readable media and operable when executed to" perform the recited functions. As a result, amended Claims 8 and 9 are not directed to more than one statutory class of invention. Amended Claims 8 and 9 therefore satisfy the requirements of 35 U.S.C. §§ 101 and 112.

With respect to the rejection under 35 U.S.C. § 102(b), Applicant has amended Claim 8 to recite elements that are analogous to those recited by Claim 1, which the Examiner has allowed. In addition, Applicant has amended Claim 9 to recite elements that are analogous to those recited by Claim 5, which the Examiner has allowed. Accordingly, Applicant respectfully requests reconsideration and allowance of amended Claims 8 and 9.

Claims 13-16, 18, and 19

The Examiner has objected to Claims 13-16, 18, and 19 as being dependent upon a rejected base claim. The Examiner has indicated that these claims would be allowable if rewritten in independent form. Applicant has amended Claims 13 and 16 to be in independent form, including the elements of the base claim. Claims 14 and 15 depend from Claim 13, and Claims 18 and 19 depend from Claim 16. Accordingly, Applicant respectfully requests reconsideration and allowance of Claims 13-16, 18, and 19.

Claims 22 and 23

Claim 20, which has been allowed, depends from independent Claim 1. Applicant herein adds Claim 22, which depends from independent Claim 5 and recites elements that are analogous to those recited in Claim 20. In addition, Applicant adds Claim 23, which depends from Claim 22. Applicant respectfully requests that the Examiner enter and allow new Claims 22 and 23.

CONCLUSION

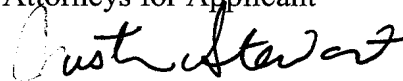
Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Justin N. Stewart, Attorney for Applicant, at the Examiner's convenience at (214) 953-6755.

The Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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